

12-19-01

Docket No. 38-21(52274)B

Inventor: Jill Deikman *et al.*

A

CD-Rom

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**Jill Deikman *et al.***

Appln. No.: To Be Assigned

Filed: Dec. 12, 2001

For: Nucleic Acid Molecules and Other  
Molecules Associated with Plants

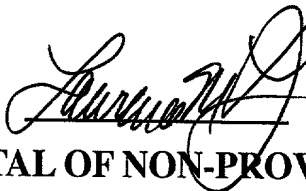
Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 38-21(52274)B

I hereby verify this transmittal together with the patent application referred to below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 Express Mail Label No. EK089244576US on the date indicated and is addressed to:  
Commissioner for Patents, Washington, D.C. 20231

Lawrence M. Lavin, Jr. Registration No. 30,768

 Date: 12/12/01

TRANSMITTAL OF NON-PROVISIONAL PATENT APPLICATION

Commissioner for Patents  
Washington, D.C. 20231

**Box Patent Application**

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is the complete patent application of :

**Nucleic Acid Molecules and Other Molecules Associated with Plants**

Inventors: Jill Deikman

Paul C.C. Feng

Karen L. Fincher

10/021323  
12/12/01

Todd E. Ziegler

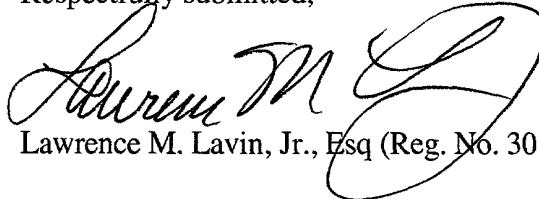
The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. Form PTO/SB/17 (in duplicate);
3. U.S. Utility Patent Application entitled:  
**Nucleic Acid Molecules and Other Molecules Associated with Plants**  
and naming as inventors:  
Jill DEIKMAN, Paul C.C. FENG, Karen L. FINCHER and Todd E. ZIEGLER  
the application consisting of:
  - a. A specification containing:
    - (i) 72 pages of a description prior to the claims;
    - (ii) 1 page of claims (10 claims); and
    - (iii) a one (1) page abstract;
4. The computer readable form (CRF) containing the sequence listing information;
5. 2 CD-Rs (Copy 1, Copy 2) containing the Sequence listing;
6. Statement Regarding Sequence Submission;
7. Combined Declaration and Power of Attorney, executed by inventor Jill Deikman (3 pages);
8. Combined Declaration and Power of Attorney, executed by inventor Paul C.C. Feng (3 pages);
9. Combined Declaration and Power of Attorney, executed by inventor Karen L. Fincher (3 pages);

10. Combined Declaration and Power of Attorney, executed by inventor Todd E. Ziegler (3 pages);
11. Form PTO/SB/35;
11. An Information Disclosure Statement;
12. Form PTO-1449 (1 page), with 8 accompanying documents; and
13. Two (2) return postcards.

It is respectfully requested that the attached prepaid postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,



Lawrence M. Lavin, Jr., Esq (Reg. No. 30,768)

Enclosures

Date:

12/12/01

Patent Department, E2NA  
Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, MO 63167  
Tel: 636-694-3602  
Fax: 636-694-1671

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53 (b))	Attorney Docket No.	38-21(52274)B
	First Inventor	Deikman, Jill
	Title	NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS
	Express Mail Label No.	EK089244576US

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents</i>	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status.	8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
3. <input checked="" type="checkbox"/> Specification [Total Pages 74] (preferred arrangement set forth below) <ul style="list-style-type: none"><li>- Descriptive title of the invention</li><li>- Cross References to Related Applications</li><li>- Statement Regarding Fed sponsored R and D</li><li>- Reference to sequence listing, a table, or a computer program listing appendix</li><li>- Background of the invention</li><li>- Brief Summary of the Invention</li><li>- Brief Description of the Drawings (if filed)</li><li>- Detailed Description</li><li>- Claim(s)</li><li>- Abstract of the Disclosure</li></ul>	a. <input checked="" type="checkbox"/> Computer Readable Form (CRF)
4. <input type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets ]	b. Specification Sequence Listing on: <ul style="list-style-type: none"><li>i. <input checked="" type="checkbox"/> CD-ROM or CD-R (2 copies); or</li><li>ii. <input type="checkbox"/> Paper</li></ul>
5. Oath or Declaration [Total Pages 12] <ul style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> Newly executed (original or copy)</li><li>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed)<ul style="list-style-type: none"><li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</li></ul></li></ul>	c. <input checked="" type="checkbox"/> Statement verifying identity of above copies
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	<b>ACCOMPANYING APPLICATION PARTS</b>
	9. <input type="checkbox"/> Assignment Papers (cover sheet document(s))
	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney (when there is an assignee)
	11. <input type="checkbox"/> English Translation Document (if applicable)
	12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations
	13. <input type="checkbox"/> Preliminary Amendment
	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (should be specifically itemized)
	15. <input type="checkbox"/> Certified Copy of Priority Document (s) (if foreign priority is claimed)
	16. <input checked="" type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
	17. <input type="checkbox"/> Other: _____

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: \_\_\_\_\_

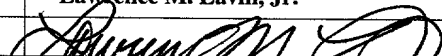
Prior Application Information: Examiner: \_\_\_\_\_

Group/Art Unu: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS ONLY: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label  or ☒ Correspondence address below

Name	Lawrence M. Lavin, Jr.					
	Patent Department, E2NA; Monsanto Company					
Address	800 N. Lindbergh Boulevard					
City	St. Louis	State	Missouri	ZIP CODE	63167	
Country	USA	Telephone	(314) 694-3602	FAX	(314) 694-1671	
Name (Print/Type)	Lawrence M. Lavin, Jr.			Registration No. (Attorney/Agent)	30768	
Signature				Date:	12/12/01	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**FEE TRANSMITTAL**  
**for FY 2001**

Patent fee are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) **710****Complete if Known**

Application Number	
Filing Date	
First Named Inventor	Deikman, Jill
Examiner Name	
Group Art Unit	
Attorney Docket No.	38-21(52274)B

**METHOD OF PAYMENT** (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number**13-4125**Deposit  
Account  
Name

- ☒
- Charge Any Additional Fee Required
- 
- under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

- ☐
- Check
- ☐
- Credit card
- ☐
- Money
- 
- Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee description	
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$)</b> <b>710</b>

**2. EXTRA CLAIM FEES**

	Extra Claims	Fee from below	Fee Paid
Total Claims	10 - 20** = -10	X 18	= 0
Independent Claims	3 - 3** = 0	X 80	= 0
Multiple Dependent		270	= 0

\*\* or number previously paid, if greater; For reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee description	
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claims, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$)</b> <b>0</b>

\*\* or number previously paid, if greater; For reissues, see above

**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	0
127	50	227	25	Surcharge - late provisional filing fee or cover she	
139	130	139	130	Non-English specification	0
147	2,520	147	2,520	For filing a request for ex part reexamination	0
112	920*	112	1,840*	Requesting publication of SIR prior to Examiner action	0
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	0
115	110	215	55	Extension for reply within first month	0
116	380	216	190	Extension for reply within second month	0
117	870	217	435	Extension for reply within third month	0
118	1,360	218	680	Extension for reply within fourth month	0
128	1,850	228	925	Extension for reply within fifth month	0
119	300	219	150	Notice of Appeal	0
120	300	220	150	Filing a brief in support of an appeal	0
121	260	221	150	Request for Oral hearing	0
138	1,510	138	1,510	Petition to institute a public use proceeding	0
140	110	240	55	Petition to revive - unavoidable	0
141	1,210	241	605	Petition to revive - unintentional	0
142	1,210	242	605	Utility issue fee (or reissue)	0
143	430	243	215	Design issue fee	0
144	430	243	215	Plant issue fee	0
122	130	122	130	Petitions to commissioner	0
123	50	123	50	Processing under 37 CFR 1.17(q)	0
126	240	126	240	Submission of information Disclosure Statement	0
581	40	581	40	Recording each patent assignment per property (times number of properties)	0
146	690	246	345	Filing a submission after final rejection (37 CFR §1.129(a))	0
149	690	249	345	For each additional invention to be examined (37 CFR §1.129(b))	0
179	690	279	345	Request for continued Examination (RCE)	0
169	900	169	900	Request for expedited examination of a design application	0
Other fee (specify)					
<b>SUBTOTAL (3)</b>					<b>(\$)</b> <b>0</b>

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Name (Print/Type) Lawrence M. Lavin, Jr.

Registration No. (Attorney/Agent)

30768

Complete (if applicable)

Telephone (314) 694-3602

Signature

Date:

12/12/01


WARNING: Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038Burden Hour Statement. This form is estimated to take 2 hours to complete. Time will vary depending on the needs of the individual cases. Any comments on the amount  
of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231, DO NOT SEND  
FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		Jill Deikman
	Title	NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS	
	Attorney Docket No.	38-21(52274)B	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/12/01  
Date

  
Signature  
Reg. No. 30,768

LAWRENCE M. LAVIN JR.  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**Jill Deikman et al**

Appln. No.: To Be Assigned

Filed: Dec. 12, 2001

For: Nucleic Acid Molecules and Other  
Molecules Associated With Plants

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 38-21(52274)B

**Statement Regarding Sequence Submission**

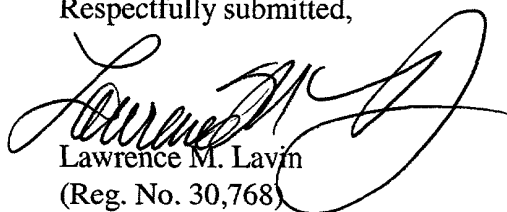
Assistant Commissioner for Patents  
Washington, DC 20231

**Box Patent Application**

Sir:

In accordance with 37 C.F.R. § 1.821(f), the sequence listing information recorded in computer readable form (CRF) submitted herewith in the above-mentioned application is identical to the written sequence listing on CD-R (2 copies).

Respectfully submitted,

  
Lawrence M. Lavin  
(Reg. No. 30,768)

Date: 12/12/01

Patent Department, E2NA, Monsanto Company  
800 N. Lindbergh Blvd.  
St. Louis, MO 63167  
Tel: (314) 694-3602  
FAX: (314) 694-1671